



Province of Alberta

## ALBERTA HOUSING ACT

# MANAGEMENT BODY OPERATION AND ADMINISTRATION REGULATION

### **Alberta Regulation 243/1994**

With amendments up to and including Alberta Regulation 36/2022

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### Office Consolidation

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(Consolidated up to 36/2022)

**ALBERTA REGULATION 243/94**

**Alberta Housing Act**

**MANAGEMENT BODY OPERATION AND  
ADMINISTRATION REGULATION**

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**Interpretation and application**

**1(1)** In this Regulation,

- (a) “Act” means the *Alberta Housing Act*;
- (b) “board” means the board of a management body;
- (b.1) “board member” means a member of a board;
- (c) repealed AR 36/2022 s2;
- (d) “management body” means a management body established under the Act;
- (d.1) “record” has the meaning given to it in the *Freedom of Information and Protection of Privacy Act*;
- (e) “social housing accommodation” means social housing accommodation as defined in the *Social Housing Accommodation Regulation* (AR 244/94).

**(2)** Repealed AR 168/95 s2;

**(3)** The Minister may exempt a management body or any social housing accommodation operated and administered by a

management body from the application of any of the provisions of this Regulation, subject to any terms and conditions the Minister considers appropriate.

AR 243/94 s1;108/2004;176/2004;141/2017;36/2022

## **Board and Management Body Administration**

### **Board's duties**

**2** A board is responsible for

- (a) ensuring that the management body it governs efficiently operates and administers the social housing accommodation under its authority and provides accommodation for those persons in greatest need of that type of social housing accommodation,
- (b) developing and evaluating the policies and programs of the management body, and
- (c) carrying out the powers, duties and functions expressly given to it under the Act.

AR 243/94 s2;36/2022

### **Corporate status**

**3** An existing corporation that is established as a management body under section 6(2) of the Act shall maintain its corporate status and otherwise comply with its governing legislation.

### **Chief administrative officer**

**4** The board of a management body shall appoint a person to act as the chief administrative officer of the management body and shall forthwith notify the Minister of the name and title of the person so appointed.

AR 243/94 s4;407/94;141/2017;36/2022

### **Definitions**

**5** In sections 5.1 to 5.92,

- (a) “board member’s family” means a board member’s spouse or adult interdependent partner, the board member’s children, the parents of the board member and the parents of the board member’s spouse or adult interdependent partner;
- (b) “corporation”, “director”, “distributing corporation”, “officer”, “shareholder”, “voting rights” and “voting

shares” have the meanings given to them in the *Business Corporations Act*;

- (c) “spouse” means the spouse of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.

AR 243/94 s5;168/95;155/2003;141/2017;36/2022

### **Board member competencies**

**5.01(1)** In this section, “competencies” means knowledge, skills, experience, expertise and qualifications.

(2) A board shall determine the competencies required for board members, which must include any competencies required by the Minister.

(3) A board shall establish a process for the appointment of board members that ensures board members have the competencies determined under subsection (2).

(4) Where an order made under section 5(3)(c) of the Act provides for the appointment of board members, a board member must be appointed in accordance with the process established under subsection (3).

AR 36/2022 s6

### **No quorum**

**5.1(1)** The Minister may make an order described in subsection (2) in the following situations:

- (a) where vacancies on a board through resignations or disqualifications have reduced the number of board members to less than a quorum;
- (b) where the number of board members able to attend a board meeting is less than a quorum;
- (c) where board members are required to abstain from voting on a matter or are permitted to abstain from voting on a matter and have decided to abstain and the number of remaining board members able to vote is less than a quorum.

(2) If subsection (1) applies, the Minister may order that the remaining board members constitute a quorum.

**(3), (4)** Repealed AR 36/2022 s7.

AR 168/95 s3;108/2004;176/2004;36/2022

### **Pecuniary interest**

**5.2(1)** Subject to subsection (3), a board member has a monetary interest in a matter if

- (a) the matter could monetarily affect the board member or an employer of the board member, or
- (b) the board member knows or should know that the matter could monetarily affect the board member's family.

**(2)** For the purposes of subsection (1), a person is monetarily affected by a matter, if the matter monetarily affects

- (a) the person directly,
- (b) a corporation, other than a distributing corporation, in which the person is a shareholder, director or officer,
- (c) a distributing corporation in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer, or
- (d) a partnership or firm of which the person is a board member.

**(3)** A board member does not have a monetary interest by reason only of any interest

- (a) that the board member, an employer of the board member or a member of the board member's family may have as a tenant of the social housing accommodation that is operated and administered by the management body,
- (b) that the board member or a member of the board member's family may have by reason of being appointed by the board as a director of a company incorporated for the purpose of carrying on business for and on behalf of the management body or by reason of being appointed as the representative of the board on another body,
- (c) that the board member or a member of the board member's family may have with respect to any allowance, honorarium, remuneration or benefit to which the board member or member of the board member's family may be

entitled by being appointed by the board to a position described in clause (b),

- (d) that the board member may have with respect to any allowance, honorarium, remuneration or benefit to which the board member may be entitled by being a board member,
- (e) that the board member or a member of the board member's family may have by being employed by the Government of Canada, the Government of Alberta or a federal or provincial Crown corporation or agency, except with respect to a matter directly affecting the department, corporation or agency of which the board member or member of the board member's family is an employee,
- (f) that a member of the board member's family may have by having an employer, other than the management body, that is monetarily affected by a decision of the management body,
- (g) that the board member or a member of the board member's family may have by being a member or director of a credit union, a co-operative association or a non-profit organization formed under an enactment or a service club,
- (h) of the board member, an employer of the board member or a member of the board member's family, that is held in common with the majority of the tenants of the social housing accommodation that is operated and administered by the management body,
- (i) that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the board member, or
- (j) that a board member may have by discussing or voting on a matter that applies to businesses or business activities when the board member, an employer of the board member or a member of the board member's family has an interest in a business, unless the only business affected by the matter is the business of the member, the employer of the board member or the board member's family.

**(4)** Subsection (3)(g) does not apply to a board member who is an employee of a credit union, co-operative association or organization referred to in that clause.

AR 168/95 s3;155/2003;108/2004;176/2004;141/2017;36/2022



**Statement of disclosure****5.3** A board may by resolution

- (a) require that each board member file with the chief administrative officer a statement of the name or names of
  - (i) the members of the board member's family,
  - (ii) the employers of the board member,
  - (iii) each corporation, other than a distributing corporation, in which the board member is a shareholder, director or officer,
  - (iv) each distributing corporation in which the board member beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the board member is a director or officer, and
  - (v) each partnership or firm of which the board member is a member.
- (b) repealed AR 36/2022 s9.

AR 168/95 s3;155/2003;108/2004;176/2004;141/2017;36/2022

**Disclosure of monetary interest**

**5.4(1)** When a board member has a monetary interest in a matter before the board, a board committee or any other body to which the board member is appointed as a representative of the board, the board member must, if present,

- (a) disclose the general nature of the monetary interest prior to any discussion of the matter,
- (b) abstain from voting on any question relating to the matter,
- (c) subject to subsection (3), abstain from any discussion of the matter, and
- (d) subject to subsections (2) and (3), leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

**(2)** If the matter with respect to which the board member has a monetary interest is the payment of an account for which funds have previously been committed, it is not necessary for the board member to leave the room.

**(3)** If the matter with respect to which the board member has a monetary interest is a question on which the board member as a tenant in the social housing accommodation that is operated and administered by the management body has a right to be heard by the board,

- (a) it is not necessary for the board member to leave the room, and
- (b) the board member may exercise a right to be heard in the same manner as a person who is not a board member.

**(4)** If a board member is temporarily absent from a meeting when a matter in which the board member has a monetary interest arises, the board member must immediately on returning to the meeting, or as soon as the board member becomes aware that the matter has been considered, disclose the general nature of the board member's interest in the matter.

**(5)** The abstention of a board member under subsection (1) and the disclosure of a board member's interest under subsection (1) or (4) must be recorded in the minutes of the meeting.

**(6)** If a board member has disclosed a monetary interest at a board committee meeting and the board considers a report of the committee in respect of which the board member disclosed a monetary interest, the board member must disclose the monetary interest at the board meeting and subsection (1) applies to the board member.

AR 168/95 s3;108/2004;176/2004;141/2017;36/2022

#### **Effect of monetary interest in agreements**

**5.5** No agreement with a management body under which a board member has a monetary interest is binding on the management body unless

- (a) the agreement is for work in an emergency,
- (b) the agreement is for the sale of goods or the provision of services to the management body or to persons contracting with the management body at competitive prices by a dealer in those goods or services and the agreement is incidental to or in the ordinary course of the dealer's business,
- (c) the proposed agreement is approved by the board before the agreement is signed by the management body, or

- (d) the agreement was entered into before the term of the board member started.

AR 168/95 s3;108/2004;176/2004;141/2017;36/2022

#### **Disqualification of board members**

**5.6(1)** A board member is disqualified from the board if

- (a) the board member becomes a judge of a court or a member of the Senate or House of Commons of Canada or of the Legislative Assembly of Alberta,
- (b) the board member is absent from 2 consecutive regular board meetings, unless subsection (2) applies,
- (c) the board member is convicted of an offence punishable by imprisonment for 5 or more years,
- (d) the board member does not vote on a matter at a board meeting at which the board member is present, unless the board member is required or is permitted to abstain from voting under this or any other enactment,
- (e) the board member discloses information the board member is required to keep in confidence under this or any other enactment,
- (f) the board member contravenes section 5.4,
- (g) the board member has a monetary interest in an agreement that is not binding on the management body by reason of the operation of section 5.5,
- (h) the board member uses information obtained through being on the board to gain a monetary benefit in respect of any matter,
- (i) the board member becomes an employee of the management body, unless subsection (3) applies,
- (j) the board member becomes liable to the management body under section 21(2), or
- (k) the board member acts contrary to an order or direction of the Minister under the Act or any other enactment.

**(2)** A board member is not disqualified by being absent from regular board meetings under subsection (1)(b) if the absence is authorized by the board any time before the end of the next regular meeting of the board immediately following the second meeting missed.

**(3)** A board member is not disqualified by reason of the operation of subsection (1)(i) if the board authorizes the board member's continued membership any time before the end of the next regular board meeting occurring after the board member became an employee of the management body.

AR 168/95 s3;108/2004;176/2004;141/2017;36/2022

#### **Resignation on disqualification**

**5.7(1)** A board member who is disqualified must resign immediately.

**(2)** If a board member does not resign immediately,

- (a) the board may apply to a judge of the Court of Queen's Bench for
  - (i) an order determining whether the person was never qualified to be or has ceased to be qualified to remain a board member, or
  - (ii) an order declaring the person to be disqualified from the board,

or

- (b) a tenant of social housing accommodation operated and administered by a management body who
  - (i) files an affidavit showing reasonable grounds for believing that a person never was or has ceased to be qualified as a board member, and
  - (ii) pays into court the sum of \$500 as security for costs,may apply to a judge of the Court of Queen's Bench for an order declaring the person to be disqualified from the board.

**(3)** An application under this section may only be made within 3 years of the date the disqualification is alleged to have occurred.

**(4)** An application under this section may be started or continued whether or not an election has been held or a reappointment has been made between the time the disqualification is alleged to have occurred and the time the application is or was commenced and whether or not the person in respect of whom the application is being brought

- (a) was re-elected in the election or was reappointed,

- (b) was not re-elected or did not run in the election or was not reappointed, or
- (c) has completed a term of office.

AR 168/95 s3;164/2010;36/2022

#### **Decision on disqualification application**

**5.8(1)** After hearing an application under section 5.7 and any evidence, either oral or by affidavit, that is required, the judge may

- (a) declare the person to be disqualified and a position on the board to be vacant,
- (b) declare the person able to remain a board member, or
- (c) dismiss the application.

**(2)** If a judge declares a person disqualified because information obtained through being on the board was used to gain a monetary benefit, the judge may order the person to pay to the management body a sum of damages determined by the court.

AR 168/95 s3;108/2004;176/2004;141/2017;36/2022

#### **Inadvertence or genuine error**

**5.9** A judge who hears an application under section 5.7 and finds that the person is disqualified under section 5.6(1)(d), (g) or (h) may still dismiss the application if the judge is of the opinion that the disqualification arose inadvertently or by reason of a genuine error in judgment.

AR 168/95 s3

#### **Appeal**

**5.91(1)** The decision of a judge under section 5.8 may be appealed to the Court of Appeal.

**(2)** A person who is declared disqualified under section 5.8 and appeals that declaration remains disqualified until the appeal is finally determined.

**(3)** If, on the final determination of the appeal, the disqualification is set aside,

- (a) the Court must reinstate the person as a board member for any unexpired portion of the term of office for which the person was elected or appointed and require any person who has been elected or appointed to fill the balance of that term to vacate the office, and

- (b) the Court may order that any money paid to the management body under section 5.8(2) be repaid.

**(4)** If on the final disposition of the appeal the disqualification is set aside but the term of office for which the person was elected or appointed has expired, the person must not be reinstated but is eligible to be elected at the next election or reappointed, as the case may be, if otherwise qualified.

AR 168/95 s3;108/2004;176/2004;36/2022

### **Reimbursement of costs and expenses**

**5.92** The board may reimburse the person in respect of whom an application under section 5.7 was made for any costs and expenses that the board considers reasonable, other than costs that have already been awarded to the person by the judge, if

- (a) the application is dismissed, or
- (b) an order is issued declaring the person able to remain a board member.

AR 168/95 s3;36/2022

**6** Repealed AR 168/95 s3.

### **Board meetings**

**(1)** A board shall hold as many meetings in each year as are required in order to adequately deal with the business of the management body.

**(2)** A board, at any meeting at which all the board members are present, may decide to hold regular meetings of the board and the resolution shall state the day and time of every such meeting and the place or manner in which each meeting will be held, and no notice of any such meeting is necessary.

**(3)** The chair of the board may call special meetings of the board whenever the chair considers it expedient to do so, and shall call a special meeting of the board when requested in writing by a majority of the board members.

**(4)** Notice of a special meeting setting out in writing the time of the meeting, the place or manner in which the meeting will be held and in general terms the nature of the business to be transacted at the meeting shall be given to each board member

- (a) by mailing the notice to the board member's address at least 6 days before the day of the meeting,

- (b) by e-mailing the notice to the board member at an e-mail address provided by the board member at least 3 days before the day of the meeting, if the board member has consented in writing to the receipt of notice by e-mail, or
- (c) by personally delivering the notice to the board member or any adult person at the board member's residence at least 3 days before the date of the meeting.

(5) The chair may orally or by notice in writing call a special meeting of the board on shorter notice than that required under subsection (4), but the special meeting may not be held unless

- (a) the notice states the time of the meeting, the place or manner in which the meeting will be held and in general terms the nature of the business to be transacted at the meeting, and
- (b) at least 2/3 of the board members give written consent to the holding of the meeting.

(6) No business other than that stated in the notice shall be transacted at any special meeting of the board unless all the board members are present, in which case, by unanimous consent any other business may be transacted.

(7) When a special meeting is requested by a majority of the board members, the meeting shall be held within 14 days of the date on which the request in writing was delivered to the chair under subsection (3).

AR 243/94 s7;108/2004;176/2004;141/2017;36/2022

### **Quorum**

**8(1)** A majority of the board members in office is a quorum of the board.

**(2)** A decision, rule or policy of a board is not valid unless passed at a board meeting at which there is a quorum present.

AR 243/94 s8;36/2022

### **Annual and public meetings**

**9(1)** A management body shall provide for the holding of an annual meeting of the tenants of the social housing accommodation it operates and administers.

**(2)** A management body shall give adequate prior notice of the annual meeting to all tenants personally or by advertisement or other public notice.

(3) Where a management body operates and administers social housing accommodation at more than one location, it may hold a combined annual meeting in respect of more than one social housing accommodation project.

(4) All tenants and any other person are entitled to attend the annual meeting.

AR 243/94 s9;141/2017;36/2022

**10 to 12** Repealed AR 141/2017 s13.;

#### **Records retention**

**13(1)** A management body shall create, organize, retain and dispose of all records and accounts created under the Act in its possession in Alberta in accordance with the applicable records disposition policy or, in the absence of an applicable records disposition policy, in a manner satisfactory to the Minister.

(2) The records and accounts referred to in subsection (1) are the property of the Crown.

AR 243/94 s13;407/94;108/2004;176/2004;141/2017

#### **Delegation of authority**

**14(1)** Subject to subsection (2), a board may delegate any of its powers, functions or duties to an employee, officer or agent of the management body.

(2) A board may not delegate any of its powers functions or duties under section 2, 21, 23, 27 or 28.

(3) A board, when delegating a matter to an employee, officer or agent, may authorize the employee, officer or agent to further delegate the matter.

243/94 s14;36/2022

### **Business and Financial Operation and Administration**

#### **Fiscal year**

**15** The fiscal year of a management body is the calendar year.

#### **Business plans**

**16(1)** Each year, a management body must, on or before the date specified by the Minister, prepare and submit to the Minister a business plan that covers a 3-fiscal-year period and that includes



- (a) the operating budget for the upcoming 3-fiscal-year period,
- (b) a capital plan for the upcoming 5-fiscal-year period, and
- (c) any other information required by the Minister.

**(2)** The business plan referred to in subsection (1) must be submitted in a form and manner satisfactory to the Minister.

AR 243/94 s16;108/2004;176/2004;141/2017

**17 to 20** Repealed 141/2017 s16.

#### **Expenditure of money**

**21(1)** A board may only initiate or pay an expenditure that is

- (a) included in an operating or capital budget that has been approved by the Minister,
- (b) for an emergency, or
- (c) otherwise authorized by the Minister.

**(2)** Board members who vote for an expenditure that is not authorized under subsection (1) are jointly and severally liable to the management body for the amount of the expenditure.

AR 243/94 s21;36/2022

#### **Application — sections 22 and 23**

**21.1** Sections 22 and 23 apply to a management body in respect of social housing accommodation provided by the management body other than lodge accommodation.

AR 36/2022 s20

#### **Transfer to Minister**

**22(1)** A management body shall transfer to the Minister all or any portion of the surplus from its operating or capital budgets in each fiscal year as required by the Minister.

**(2)** That portion of the surplus transferable to the Minister pursuant to subsection (1) is deemed to be held in trust by the management body for the Minister until it is paid to the Minister, and the management body shall not use any portion of the transferable surplus.

**(3)** Revenue or income received by the management body by way of a gift made to the management body shall not be considered as surplus for the purposes of this section.

**Limits on reserve funds**

**23(1)** Unless the Minister requires surplus funds to be transferred under section 22, a board may use any portion of a surplus from its operating or capital budgets for the creation and maintenance of reserve funds.

(2) A board may create a reserve fund only with the prior approval of the Minister.

(3) A reserve fund may be invested only in the securities referred to in section 26.

(4) The aggregate amount in capital reserve funds shall not exceed at any time in a year the reasonable estimated capital cost of replacing all of the social housing accommodation owned, or otherwise operated and administered, by the management body in that year.

(5) The aggregate amount in operating reserve funds shall not exceed at any time in a year an amount reasonably estimated to be the equivalent of 6 months operating expenditures for the management body in that year.

(6) Notwithstanding subsections (4) and (5), the Minister may authorize a board to maintain in a reserve fund a greater amount than would otherwise be permitted under those subsections.

(7) Any surplus amount in excess of the maximum amount permitted under subsection (4), (5) or (6) that the board allows to remain in a reserve fund is deemed to be held in trust for the Minister until it is paid to the Minister, and the management body shall not use any of that surplus amount.

AR 243/94 s23;141/2017;36/2022

**Limits on reserve funds — lodge accommodation**

**23.1(1)** This section applies to a management body in respect of lodge accommodation provided by the management body.

(2) In this section and section 24, “requisitioned municipalities” means the municipalities requisitioned by a management body under section 7 of the Act.

(3) A board may create a reserve fund only with the prior approval of the requisitioned municipalities.

(4) The requisitioned municipalities may, in accordance with subsection (5),

- (a) establish limits on the aggregate amounts that may be held in capital reserve funds or operating reserve funds, and

- (b) provide for the disposition, transfer or allocation of all or any portion of the funds of the management body in excess of the amounts referred to in clause (a).

(5) Subject to subsection (6), the requisitioned municipalities may determine the manner in which the requisitioned municipalities are to decide or vote on an approval under subsection (3) or a matter under subsection (4).

(6) If the requisitioned municipalities are unable to make a determination under subsection (5), the approval or matter must be decided by a majority vote of the requisitioned municipalities.

(7) A management body shall provide to a requisitioned municipality on request

- (a) copies of the operating budget or capital budget adopted by the board for the fiscal year in which the request is made, and
- (b) any other information the requisitioned municipality may require relating to the maintenance and operation of the capital reserve funds or operating reserve funds.

AR 36/2022 s22

### Exceptions

**24(1)** Notwithstanding sections 22 and 23, where in a year the Minister provides financial assistance under the Act to a management body and one or more municipalities have made payments to the management body under section 8 of the Act, the Minister and a majority of the municipalities may agree to a disposition of surplus that is different from how the surplus would be treated under sections 22 and 23.

(2) Notwithstanding section 23.1, where in a year one or more requisitioned municipalities have made payments to a management body under section 7 of the Act, a majority of the requisitioned municipalities may agree to a disposition of the excess funds referred to in section 23.1(4)(b) that is different from how the excess funds would be treated under section 23.1.

AR 36/2022 s23

### Borrowing

**25(1)** Subject to subsection (2), a management body may borrow any sums required to carry out its powers, functions and duties under the Act.

**(2)** A sum borrowed under this section must be repaid, or the loan must be otherwise retired, within the fiscal year in which the loan is made unless

- (a) the Minister approves otherwise, or
- (b) the Minister has, on the request of the management body, established a borrowing limit in respect of the management body and the borrowing is within the borrowing limit.

AR 243/94 s25;407/94;108/2004;176/2004

### **Investments**

**26(1)** In this section, “securities” has the meaning set out in the *Financial Administration Act*.

**(2)** A management body may only invest its money in the following:

- (a) securities that are issued or guaranteed by the Crown in right of Canada or a province, or an agent of the Crown;
- (b) securities of a municipality, school division, hospital district, health region under the *Regional Health Authorities Act* or regional services commission in Alberta;
- (c) securities that are issued or guaranteed by a bank, treasury branch, credit union or trust corporation;
- (d) units in pooled funds in any of the investments described in clauses (a) to (c);
- (e) shares of a corporation incorporated or continued under the *Canada Business Corporations Act* or incorporated, continued or registered under the *Business Corporations Act*, if the investment is approved by the Minister.

**(3)** The Minister may give an approval under subsection (2)(e) subject to any terms and conditions the Minister considers appropriate.

**(4)** A management body may not acquire shares of a corporation under subsection (2)(e) if the acquisition would result in the management body’s controlling the corporation.

**(5)** Nothing in this section prevents a management body from acquiring a share or membership in a non-profit organization.

AR 243/94 s26;141/2017;81/2019

**Accounts**

**27(1)** Only a person authorized by a board may open or close accounts to hold, administer or invest money of the management body.

**(2)** Money of a management body must be kept in a financial institution designated by the board.

**(3)** All revenue of a management body must be paid into one or more accounts of the management body.

**Signing authority**

**28** Agreements, cheques and other negotiable instruments must be signed by 2 persons authorized by the board for that purpose.

AR 243/94 s28;407/94;36/2022

**Operation and Administration of  
Social Housing Accommodation****Property maintenance**

**29** A management body shall

- (a) ensure that the social housing accommodation it operates and administers is maintained in a condition so as to provide adequate social housing accommodation to its tenants, and
- (b) ensure that the social housing accommodation meets the requirements of enactments and bylaws applicable to the construction and operation of the social housing accommodation.

AR 243/94 s29;36/2022

**Building reports**

**30(1)** A management body shall, with respect to social housing accommodation that it operates and administers and that is owned by the Crown, submit to the Minister a property condition and inspection report at the times required by the Minister.

**(2)** A property condition and inspection report must be completed by a person who has qualifications acceptable to the Minister and must be in a form acceptable to and contain information required by the Minister.

AR 243/97 s30;250/97;141/2017;36/2022

**Repairs to housing accommodation**

**31(1)** Where as a result of an inspection under section 9 of the Act,

- (a) the Minister considers that repairs to the social housing accommodation are necessary in order to ensure that social housing accommodation will be provided, operated and maintained in accordance with the Act and the regulations, and
- (b) the management body responsible for the operation and administration of the social housing accommodation refuses or neglects to carry out the repairs,

the Minister or the Minister's designate, together with any workers that are necessary, may enter the social housing accommodation and carry out the repairs.

**(2)** The Minister or the Minister's designate shall give reasonable notice of the intended repairs under subsection (1) to

- (a) the management body, and
- (b) the tenants of the social housing accommodation who are affected by the repairs.

**(3)** The management body and the tenants of social housing accommodation in respect of which a person is exercising powers under subsection (1) shall

- (a) give that person all reasonable assistance to enable that person to exercise those powers, and
- (b) furnish all information relative to the exercising of those powers that the person may reasonably require.

**(4)** The cost of repairs carried out under this section are the responsibility of the management body and constitute a debt owing to the Crown.

AR 243/94 s 31;36/2022

**Contents of housing accommodation**

**32(1)** Where building contents, including, without limitation, furniture, equipment, supplies and appliances, have been supplied, sold, leased or otherwise provided to a management body by the Crown for the purpose of providing social housing accommodation, the management body shall maintain those contents in social housing accommodation operated and administered by the management body unless the Minister directs or agrees otherwise.

(2) A management body shall provide to the Minister on request a report in a form satisfactory to the Minister listing the building contents referred to in subsection (1) of all social housing accommodation operated and administered by the management body.

AR 243/94 s32;407/94;108/2004;176/2004;141/2017;36/2022

#### **Termination of obligations**

**33(1)** Where the Crown owns the social housing accommodation that is operated and administered by a management body, the management body may, on giving at least 3 months' written notice of its intention to the Minister and to the tenants of the social housing accommodation, terminate its operation and administration of any of the social housing accommodation and deliver up the social housing accommodation to the Crown.

(2) The social housing accommodation must be delivered up in good repair, excepting normal wear and tear and damage caused by natural disasters and other accidents beyond the control of the management body.

(3) Where a management body owns the social housing accommodation that it operates and administers, it may terminate its operation and administration of any of the social housing accommodation

- (a) on giving at least 6 months' notice of its intentions to the Minister,
- (b) on giving to the tenants of the social housing accommodation the same period of notice of its intentions as would be required if it were terminating the tenancies,
- (c) if the social housing accommodation has been sold or otherwise transferred by the Crown to the management body, on meeting any terms and conditions provided for in the sale or transfer agreement, and
- (d) if the management body has received financial assistance under the Act in any prior year or in the current year, by meeting the terms and conditions applicable to the provision of the financial assistance.

(4) Where a management body terminates its operation and administration of social housing accommodation under this section,

- (a) unless otherwise agreed to by the Minister, all improvements made by the management body during the period it operated and administered the social housing accommodation become the property of the Crown and

the management body has no right to compensation in respect of those improvements, and

- (b) the management body must return to the Minister all financial assistance under the Act that was given in respect of the social housing accommodation in the year in which notice under subsection (1) or (3) was given.

AR 243/94 s33;407/94;108/2004;176/2004;36/2022

### **Insurance**

**34(1)** A management body shall, without limiting its obligations or liabilities, insure its operation and administration of social housing accommodation, under a contract of general liability insurance with an insurer licensed in Alberta in an amount satisfactory to the Minister.

**(2)** Insurance referred to in subsection (1) must include coverage for blanket written contractual liability, employees as additional insureds and contingent employers' liability.

**(3)** Where a management body operates and administers social housing accommodation at more than one location, subsection (1) applies in respect of each location separately.

**(4)** A management body shall insure the social housing accommodation it operates and administers, other than social housing accommodation that is the property of the Crown, with an insurer licensed in Alberta in an amount sufficient to compensate for the loss and replacement of the social housing accommodation that is satisfactory to the Minister.

**(5)** A management body shall insure the contents of the social housing accommodation it operates and administers, other than contents that are the property of the Crown or of tenants, with an insurer licensed in Alberta in an amount sufficient to compensate for the loss and replacement of the contents that is satisfactory to the Minister.

**(6)** A management body shall maintain an automobile liability insurance policy in respect of the use and operation of each automobile owned or leased by the management body in an amount satisfactory to the Minister.

**(7)** A management body shall maintain a comprehensive crime insurance policy satisfactory to the Minister, including a fidelity bond, in an amount covering the management body's exposure for loss resulting from theft, fraud and other similar offences, whether committed by its directors, officers or employees or by other persons, whether acting alone or in collusion with others.



**(7.1)** The management body's exposure for loss referred to in subsection (7) must include all money and property entrusted to the management body and any money or property for which the management body may be legally liable.

**(7.2)** All deductible amounts are the responsibility of the management body.

**(8)** A management body shall provide evidence of the coverage required under this section to the Minister on request.

AR 243/94 s34;407/94;168/95;108/2004;176/2004;141/2017  
36/2022

#### **Indemnification of board members**

**35(1)** Section 124 of the *Business Corporations Act* applies to a management body as if it were a corporation within the meaning of that Act.

**(2)** A management body may not indemnify a board member under the authority of subsection (1) unless a majority of the other board members then in office agree to it.

**(3)** An indemnity must be evidenced in writing.

AR 243/94 s35;251/2001;36/2022

#### **Claims by and against management body**

**36(1)** A management body shall immediately notify the Minister of any claim made against it or by it that could reasonably make the Crown liable to or place the Crown under an obligation to some other person.

**(2)** Subsection (1) does not apply to any liability or obligation arising under the *Residential Tenancies Act*.

AR 243/94 s36;141/2017

#### **Loss or damage to property**

**37(1)** Where social housing accommodation, or any part of it, that is operated and administered by a management body is destroyed or damaged, the management body

- (a) shall continue to be responsible for that property,
- (b) shall take whatever emergency action is necessary to prevent further loss or damage, and
- (c) shall immediately notify the Minister of the nature and extent of the damage.

(2) Where the damage incurred to the property referred to in subsection (1) is such that the Minister determines it cannot be repaired, the Minister may, on providing at least 30 days' notice in writing to the management body, remove the property from the application of the Act.

(3) Notwithstanding this section, all obligations, duties and liabilities of a management body arising out of the operation and administration of social housing accommodation before the social housing accommodation is removed from the application of the Act continue, and the Minister has no liabilities or obligations except those the Minister in writing agrees to or otherwise assumes from the date the Minister assumes responsibility for the property.

AR 243/94 s37;108/2004;176/2004;141/2017;36/2022

### **Expiry**

#### **Expiry**

**37.1** For the purpose of ensuring that this Regulation is reviewed for ongoing relevancy and necessity, with the option that it may be repassed in its present or an amended form following a review, this Regulation expires on September 30, 2027.

AR 36/2022 s34

**38** Repealed AR 141/2017 s24.





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